IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22545 of 2004

Between:

Muntha Subbamma, W/o.Malakondaiah,
R/o.Dundigam Village, Dagadarthi Mandal,
Nellore Dist.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore Dist.
2 The Revenue Divisional officer, Kavali, Nellore District.
3 The Mandal Revenue officer, Dagadarthi village, & Mandal, Nellore District.

.RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.3 in evicting the petitioner from the land to an extent of Ac.5.10 cents in Sy.No.234/1-1 situated at Dundigam village, Dagadarthi Mandal, Nellore District, without giving any notice and without conducting any enquiry, is arbitrary, un-reasonable and accordingly set aside the impugned order passed by 3rd Respondent made in Rc.No.B-248/2004 dated 10-09-2004 and consequentially direct the respondents not to interfere with the peaceful possession and enjoyment of petitioner's land to an extent of Ac.5.10 cents situated in Sy.No. 234/1-1 of Dundigam Village, Dagadarthi Mandal, Nellore District and pass such other and further orders.

Counsel for the Petitioner:MR.G.TUHIN KUMAR

Counsel for the Respondents.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the proceedings dated 10-9-2004 issued by the Mandal Revenue Officer, ordering for resumption of the land canceling the assignment on the ground of violation of conditions of patta granted to the original assignee.

The learned counsel for petitioner submitted that without issuing any notice and opportunity, the impugned proceedings have been passed violating the principles of natural justice. It is further submitted that similar proceedings were challenged before this Court and this Court disposed of a similar Writ Petition No. 21694 of 2004 on 25-11-2004 by setting aside the impugned order.

Learned Government Pleader for Revenue submitted that as against the impugned order, a remedy of appeal is provided by way of appeal to the Revenue Divisional Officer.

Heard learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Following the order passed by this Court in W.P.No.21694 of 2004 dated 25-11-2004, the impugned order dated 10-9-2004 is hereby set aside. However, the respondents are at liberty to pass appropriate orders, if they want to resume the land for violation of condition of grant, in accordance with law, after giving reasonable opportunity to all the concerned.

Accordingly, the writ petition is disposed of at the admission stage.

N.V.RAMANA,J

07-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Nellore, Nellore Dist.
2 The Revenue Divisional officer, Kavali, Nellore District.
3 The Mandal Revenue officer, Dagadarthi village, & Mandal, Nellore District.

4..2CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad

5..2CD copies